

County Jail and he couldn't access Westlaw during that time. Plaintiff requests leave to amend and requests a six month extension in order to prepare his amended complaint.

Plaintiff further requests that the Court order officials at the TDCJ-CID Middleton Unit to allow plaintiff extra time in the unit law library and to transfer him to another unit with a larger law library with a more extensive collection of federal reporters.

Nothing in plaintiff's argument challenges the Court's analysis of his claims or indicates the baseless nature of the present suit is due to his lack of access to Westlaw. Further, if the Court has erred in its analysis of plaintiff's complaint or if plaintiff has mis-stated the basis for his claim(s), he has received a sufficient response period to enable him to cure any defect or point out to the Court any error. It appears plaintiff has alleged his best case. *Bazrowx v. Scott*, 136 F.3d 1053, 1054 (5th Cir. 1998). Plaintiff has been given sufficient opportunity to make any amendment he wishes

Plaintiff has presented no meritorious reason to support a grant of the requested six months in which to file an amended complaint and his motion is DENIED.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation, as well as the objections filed by the plaintiff.

The Court is of the opinion that plaintiff's objections should be OVERRULED and the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does OVERRULE plaintiff's objections, and does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by JIMMY F. McHENRY is DISMISSED WITH PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

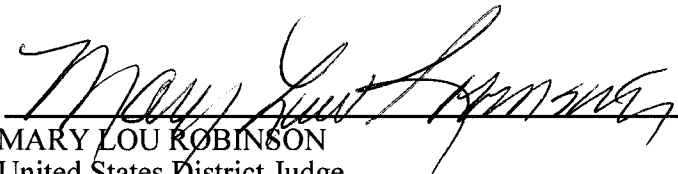
LET JUDGMENT BE ENTERED ACCORDINGLY.

All pending motions are DENIED.

The Clerk shall send a copy of this order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 9th day of November, 2012.



MARY LOU ROBINSON
United States District Judge